

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON**

H. THOMAS MORAN II, Receiver of the Assets of LifeTime Capital, Inc. and Certain Affiliated Persons and Entities, :
Plaintiff, : Case No. 3:05CV071
vs. : District Judge Thomas M. Rose
Magistrate Judge Sharon L. Ovington
A/C FINANCIAL, INC., *et al.*, :
Defendants. :
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ORDER

This matter is before the Court upon Plaintiff's Motion to Strike Ernest Bustos' Notice to the Court the Receiver has Breached the Fair Debt Collection Practices Act (Doc. # 738), Mr. Bustos' Response (Doc. # 760), Mr. Bustos' Motion for Reconsideration (Doc. # 778), Plaintiff's Memorandum in Opposition (Doc. # 779), Mr. Bustos' Response (Doc. # 783) and the record as a whole.

Plaintiff seeks an order striking Mr. Bustos' Notice to the Court the Receiver has Breached the Fair Debt Collection Practices Act. Because such notice is neither material or relevant to the instant action, the Plaintiff's Motion to Strike (Doc. # 738) is GRANTED. Such claims should be raised in the receivership action.

Mr. Bustos and his corporate entity are no longer parties to this action. As such, Mr. Bustos' Motion for Reconsideration (Doc. # 778) is DENIED as moot.

Finally, Plaintiff is ORDERED to report to the Court on the status of the within cause on or before **February 15, 2008**.

February 5, 2008

s/ Sharon L. Ovington

Sharon L. Ovington
United States Magistrate Judge